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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,296	09/24/2004	Stephane Petit	15675P549	3702

  

EXAMINER
VIZVARY, GERALD C

  

ART UNIT	PAPER NUMBER
3609	

  

MAIL DATE	DELIVERY MODE
07/09/2007	PAPER

7590 07/09/2007  
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/509,296		PETIT ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Gerald C. Vizvary		3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s), \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/24/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Objections***

#### ***Oath/Declaration***

The examiner objects that there is no English copy of Oath/Declaration included.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under USC 102(e) as being unpatentable under Kawabata, (US 6,236,979).

As to claim 1, Kawabata shows a method for secure credit card transactions between a holder and a merchant, particularly via a telecommunication network, by entering in an order form supplied by the merchant, during the payment phase of the transaction, (Kawabata col. 7, lines 29-33); temporary information

Art Unit: 3609

consistent with the bank information from the card of the holder is collected by an authorization center for the transaction in order to make a relational connection with the real bank information from the card of the holder for the acknowledgement of the order by the holder for the benefit of the merchant, (Kawabata col. 10, lines 20-25) characterized in that it comprises the steps in which:

The holder signifies to a third party his intention to enter into contact with the merchant before entering into contact with the merchant over the

telecommunication network; (Kawabata col. 3, line 64-col. 4, line 4)

the holder enters into contact with the merchant through the third party; (Kawabata col. 2, lines 34-38)

the third party establishes a link between itself and the holder and between itself and the merchant; (Kawabata col. 7, lines 58-64)

the third party manages the formation of temporary information, the entry of this information in the order form (Kawabata col. 10, lines 8-12)

and the relational connection of the temporary information with the real bank information from the credit card of the holder to check the various authorizations with the banks for the acknowledgement of the order. (Kawabata col. 10, lines 22-28)

As to claim 2, Kawabata shows the method as claimed in claim 1, characterized in that the third party modifies the Internet addresses of the site of the merchant

Art Unit: 3609

to constrain the browser of the holder to systematically transmit to it all the information from the holder to the merchant. (Kawabata col. 8, lines 25-39)

As to claim 3, Kawabata shows the method as claimed in claim 1, characterized in that the third party modifies the Internet addresses of the site of the merchant to constrain the server of the merchant to systematically transmit to it all the information from the merchant to the holder. (Kawabata col. 9, lines 7-14)

As to claim 4, Kawabata shows the method as claimed in claim 1, characterized in that, if the holder has previously registered with the third party, he may choose not to indicate the bank information concerning him in the reserved domain of the order form of the transaction, and consequently not to complete said domain other than by an identifier with the third party, the portion requiring bank information being completed by the third party with temporary and coherent information, only this temporary information being sent to the merchant. (Kawabata col. 9, lines 25-33)

As to claim 5, Kawabata shows the method as claimed in claim 1, characterized in that a procedure of verifying the intention of the holder to carry out the transaction is triggered. (Kawabata col. 9, lines 14-21)

As to claim 6, Kawabata shows the method as claimed in claim 1, characterized in that, if the holder has not registered with the third party, he enters the bank

Art Unit: 3609

information from his credit card in the order form supplied by the merchant via the third party, the third party then managing the completion of the order form which will be sent to the merchant with temporary information. (Kawabata col. 7, lines 65-col. 8, line 7)

As to claim 7, Kawabata shows a system for secure credit card transactions between a holder and a merchant, particularly via a telecommunication network (Kawabata col. 1, lines 63-col.2, line 5), comprising means forming a third party connected via the network between the holder and the merchant, the third party comprising means for simultaneously establishing a link between itself and the holder, and between itself and the merchant, the third party also comprising means for forming temporary information consistent with the bank information from the card of the holder (Kawabata col. 2, lines 35-38), the system comprising means forming a center for authorizing the transaction and suitable for collecting this temporary information in order to place it in a relational connection with the real bank information from the card of the holder for the acknowledgement of the order by the holder to the benefit of the merchant (Kawabata col. 2, lines 29-30), characterized in that it comprises means suitable for allowing the holder to signify to the third party his intention to enter into contact with the merchant before entering into contact with the merchant over the telecommunication network (Kawabata col. 2, lines 48-50), the third party comprising means suitable for entering in the order form the temporary information consistent with the bank information from the card of the holder. (Kawabata col. 10, lines 22-28)

As to claim 8, Kawabata shows the system as claimed in claim 7, characterized in that it also comprises means for intercepting and controlling all the information transmitted by the holder to the merchant. (Kawabata col. 2, lines 44-47)

As to claim 9, Kawabata shows the system as claimed in claim 7, characterized in that the third party comprises means suitable for modifying the Internet addresses of the site of the merchant and suitable for constraining the browser of the holder to systematically transmit to it all the information from the holder to the merchant. (Kawabata col. 2, lines 10-14)

As to claim 10, Kawabata shows the system as claimed in claim 7, characterized in that the third party comprises means suitable for modifying the Internet addresses of the site of the merchant and suitable for constraining the server of the merchant to systematically transmit to it all the information from the merchant to the holder. (Kawabata col. 2, lines 14-18)

As to claim 11, Kawabata shows the system as claimed in claim 7, characterized in that it comprises: means forming a bank authorization center connected to the third party and collecting the bank authorization request that comes from the merchant or from his bank and that contains the temporary information (Kawabata col. 10, lines 22-28); means suitable for carrying out a conversion making a relational connection of the temporary information with the real bank

Art Unit: 3609

information (Kawabata col. 10, lines 14-18); means suitable for sending the real bank information of the holder to the bank authorization center of the holder (Kawabata col. 10, lines 22-28); means suitable for retrieving the response from the bank authorization center of the holder containing the real bank information (Kawabata col. 10, lines 29-34); means suitable for carrying out a conversion in order to remake a relational connection of the real bank information with the temporary information (Kawabata col. 10, lines 14-18); means suitable for returning to the merchant or to the authorization center of his bank the response from the bank authorization center of the holder containing the temporary information. (Kawabata col. 10, lines 8-11)

As to claim 12, Kawabata shows the system as claimed in claim 11, characterized in that the means forming the authorization center of the holder also comprise a Bank Client Profile module suitable for receiving, via a secure link, the bank authorization requests originating from the authorization center connected to the third party, this module being suitable for being configured by the authorization request center connected to the third party so that it gives to the authorization center of the holder information for the release, transaction by transaction, of an interdiction to acknowledge the transactions made by the holder via the telecommunication network. (Kawabata col. 10, lines 29-39)

As to claim 13, Kawabata shows the system as claimed in claim 7, characterized in that it comprises a center for collecting the transactions of the merchant, said



Art Unit: 3609

collection center comprising means suitable for periodically sending all the transactions made between said merchant and holders via the third party to a collection center linked to the third party, the means of the third party being suitable for again converting the temporary information into the real bank information of the various holders, the collection center linked to the third party comprising means suitable for redistributing the transactions to the various collection centers of the banks of the holders. (Kawabata col. 1, line 63-col. 2, line 2)

As to claim 14, Kawabata shows a third party for securing credit card transactions between a holder and a merchant, particularly via a telecommunication network, suitable for being connected via the network between the holder and the merchant, the third party comprising means for simultaneously establishing a link between itself and the holder, and between itself and the merchant, the third party also comprising means for forming temporary information consistent with the bank information from the card of the holder, characterized in that it comprises means suitable for receiving an information item from the holder to signify to the third party his intention to enter into contact with the merchant, before entering into contact with the merchant over the telecommunication network, the third party also comprising means suitable for entering in the order form the temporary information consistent with the bank information from the card of the holder. (Kawabata col. 6, lines 38-52)

Art Unit: 3609

As to claim 15, Kawabata shows a "computer program" product recorded on a medium that can be used in a computer of a third party for securing credit card transactions between a holder and a merchant, particularly via a telecommunication network, the third party being capable of being connected via the network between the holder and the merchant, the product comprising programming means that can be read by the third party to simultaneously establish a link between the third party and the holder, and between the third party and the merchant, the product also comprising programming means that can be read by the third party to form temporary information consistent with the bank information from the card of the holder, characterized in that it comprises programming means that can be read by the third party for receiving an item of information from the holder to signify to the third party his intention to enter into contact with the merchant, before entering into contact with the merchant over the telecommunication network, the medium also comprising programming means that can be read by the third party for entering in the order form the temporary information consistent with the bank information from the card of the holder. (Kawabata col. 5, lines 1-9)

### **Conclusion**

The prior art made of record and not relied on is considered pertinent to the applicant's disclosure.

Haller (US 5,983,208) shows secure transmission of data is provided between a plurality of computer systems over a public communication system, such as the

Art Unit: 3609

Internet and for the further secure transmission of payment information a payment gateway computer system. The payment gateway system evaluates the payment information and returns a level of authorization of credit via a secure transmission to the merchant, which is then communicated to the customer by the merchant. A server communicates bi-directionally with a gateway over a first communication link. The gateway uses a second communication link to send service signals to the server. In response the server initiates transactions to the gateway or presents information on a display device.

Ogram (US 5,991,738) shows a customer's computer linked to a payment processing computer to which the customer's credit card number and the amount of the goods or services is transmitted whereupon it automatically contacts a bank for verification of the credit card and amount, the bank transmits back an authorization. The payment-processing computer communicates a self-generated transaction notice to the customer's computer if a password is involved. In this case the customer's computer uses the password with the merchant's computer to obtain access to protected information or to establish shipping instructions.

Motoyama (US 5,913,202) shows a financial information intermediary system, a financial delivery computer between the clients and a plurality of financial institutions is used to store information on various financial products, client data files, which store each client's preference information.

Art Unit: 3609

Freeman (US 6,134,557) shows a computer program, which displays a number of objects in a categorization table. The ordering program categorizes headings, assigns the appropriate vendor specific names, SKU codes, part numbers, Universal Product Codes, and/or bar codes, and then transfers this specific information to a merchant or vendor for processing of an order. The programs allow the user to manipulate the data or to select objects for appropriate actions. Once the categorization table is completed, a specific report can be generated from the program. This report is a material and supply list which details the vendor/merchant details as well as contractor identification information. This report is then transferred to the identified vendor/merchant for processing.

Wolff (US 6,247,047) shows a method and apparatus for facilitating computer transactions where a computer network connects a host node which has access to a database, selection of a host node and indicia for a record. The embedded address contacts the host node and a record is retrieved, an input form is dynamically generated and presented to a user node, the requested data is communicated to the host node over the network, the requested data validated and a confirmation form is generated and an acknowledgment form is generated.

Thomas (US 6,173,272 B1) shows a system for facilitating electronic funds transfer between a payor and a payee by means of an intermediate trusted third party comprising a computer structured to communicate electronically with both the home banking system and a bank of the payee.

Ortiz (US PG Pub. 2002/0077974 A1) shows a method and system for processing credit card data through a wireless hand held device, which is physically permitted to input an electronic signature to authorize a credit card transaction. The credit card data may be transferred to a wireless network. A physical signature input via the touch screen is accepted and thereafter converted to an electronic signature and transferred to a server. The electronic signature and the credit card data can be processed through the server and the transaction additionally stored at the server.

Sacks (WO 02/05231 A2) shows a system and method for handling a payment between a buyer and seller at a third party site. The buyer is redirected from the seller site to a third party payment site.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 3609

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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May 29, 2007



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